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Attorneys for Defendants

City of Novato, et al.

## UNITED STATES DISTRICT COURT

### NORTHERN DISTRICT OF CALIFORNIA

MARIN COUNTY HOMELESS UNION, a local affiliate of the CALIFORNIA HOMELESSNESS UNION, on behalf of itself and those it represents; CAMP COMPASSION, a Homeless Union-affiliated encampment in Lee Gerner Park; Individual Plaintiffs JASON SARRIS; LEA DEANGELO; ZACH BOULWARE; CARRIE HEALON, LISA NICOLE JOHNSON; DONALD HOBBS; DEBORAH ANN MIROMONTES; LISA JOHNSON; CHARLES TALBOT; BETHANY ALLEN; MICHELANGELO MONTEZ; DEBORAH ANN MIRAMONTES; KALANI WELSCH, and other similarly situated homeless persons including current residents of Camp Compassion homeless encampment,

Plaintiffs,

v.

CITY OF NOVATO; CITY MANAGER ADAM MCGILL, MAYOR PAT EKLUND, MAYOR PRO TEM ERIC LUCAN, CHIEF OF POLICE MATHEW MCCAFFREY, PUBLIC WORKS DIRECTOR CHRIS BLUNK,

Defendants.

**CASE NO.: 4:21-cv-05401-YGR**

[Assigned to the Hon. Yvonne Gonzalez Rogers]

### JOINT WITNESS LIST FOR OCTOBER 20, 2021 EVIDENTIARY HEARING

Hearing Date:	October 20, 2021
Time:	9:00 a.m.
Ctrm:	1

Pursuant to the Court's Scheduling Order re: Evidentiary Hearing (Dkt. No. 34), Plaintiffs and Defendants submit this joint witness list for the October 20, 2021 evidentiary hearing on the Order to Show Cause re: Preliminary Injunction.

**Plaintiffs' Witnesses:**

1. Jason Sarris

Will be examined on points raised in his various declarations including, but not limited to, conditions at the encampment; addressing Defendant's allegations regarding his own involvement at the Camp and conditions at the camp; reasons why Homeward Bound shelters are dangerous and other facts explaining why plaintiffs are unable/unwilling to go there; the inspection at New Beginnings; conduct of city of officials and police in the encampment.

Estimated time on direct examination: one hour

2. Dr. Flojaune Cofer

Will be examined on points raised in her Declaration and Supplemental Declarations including but not limited to risks of exposure to COVID-19 and its Delta variant should the encampment be cleared without indoor, non-congregant, accessible alternative rooms being made available; other hazards impacting physical and mental health of camp residents that will result if the encampment is cleared and known hazards at New Beginnings facility; understanding CDC guidelines and vaccination rates, etc.

Estimated time on direct examination: one hour

3. Peter Wood

Will be examined on points raised in his declaration including, but not limited to conditions, lack of safety and mistreatment by management while he and his son were at the New Beginnings shelter.

Estimated time on direct examination: 30 minutes

4. Michelangelo Montez

Will be examined on points raised in his declaration including, but not limited to, his experience at the Kerner St. Shelter; police seizure of his personal items at the Lee

1 Gerner Park encampment and how going to either New Beginnings or Kerner St. shelter  
2 would negatively impact him.

3 Estimated time on direct examination: 30 minutes

4 5. Dianna Deikmann

5 Will be examined on points raised in her declaration regarding conditions at New  
6 Beginnings Shelter

7 Estimated time on direct examination: 15 minutes.

8 6. Robbie Powelson

9 Will be examined on Defendant's allegations regarding the Marin County Chapter  
10 of the California Homeless Union.

11 Estimated time on direct examination: 15-20 minutes.

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13 Plaintiffs seek also to examine the following persons as necessary, as follows:

- 14 1. Paul Fordham, Asst. Executive Director of Homeward on policies and
- 15 practices at the New Beginnings and Kerner St. shelters.
- 16 2. Novato Police Officer Alex Muller on police activities at Lee Gerner Park
- 17 3. Novato Police Sergeant Alan Bates on matters addressed in his Declaration
- 18 4. Novato Lieutenant Sophia Winter on matters addressed in her Declaration
- 19 and reports to police of incidents allegedly involving residents of the
- 20 encampment.
- 21 5. Mario L. Bernardini, Captain of the Novato Fire District on his incident
- 22 report of September 17, 2020.
- 23 6. Zachary Vought, Urban Forestry Associates, Inc. on his report of July 15,
- 24 2020.

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**Defendants' Witnesses:****1. Joshua Wax**

Joshua Wax is a police officer for the City of Novato ("City") assigned to the Novato Response Team. He is specially trained as a Homeless Liaison assigned to work in concert with social workers, behavioral health specialists, recovery coaches and outreach workers to provide assistance and services to unhoused individuals in the City. Officer Wax will testify to the history of the current encampment in Lee Gerner Park, its current health and safety status, and his knowledge of outreach efforts to secure housing for those currently residing in Lee Gerner Park.

Officer Wax's testimony is anticipated to take 30-40 minutes. Officer Wax will be in Irvine, CA for a prescheduled training the week of October 18, 2021. He is available to testify via Zoom videoconference.

**2. Mary Kay Sweeney, Ph.D.**

Dr. Sweeney is the executive director for Homeward Bound of Marin, a non-profit organization originated in 1974 to assist the homeless, which is now the leading force in ending homelessness in Marin County. Dr. Sweeney has served Homeward Bound for more than two decades. She holds a BA degree in English and Education, a Master's Degree in Counseling, and a Ph.D. in Higher Education and Social Change. Dr. Sweeney will testify to the facilities, housing opportunities, programs, and services offered by Homeward Bound; the partnership Homeward Bound has with the City to offer housing to unhoused individuals, including plaintiffs; the availability of shelter beds reserved for the City; specific shelter locations; and her knowledge of the individual plaintiffs in this action.

Dr. Sweeney's testimony is anticipated to take 30-40 minutes. Dr. Sweeney is available to testify in person.

**3. Adam McGill**

Mr. McGill is the City Manager for the City of Novato. He is a graduate of the FBI National Academy and holds a Bachelor of Science degree in Criminal Justice

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Administration and a Master of Science degree in Emergency Services Administration. He has three decades of experience as Police Chief in the cities of Newman, Truckee, and Novato. In his position of City Manager he is responsible for interfacing with Marin County Health and Human Services regarding assisting the unhoused during the COVID-19 pandemic. Mr. McGill will testify to the history of the encampment in Lee Gerner Park, the complaints made to the City by community members and business owners regarding unsanitary conditions; offensive and harassing behavior from encampment members; the current status of Lee Gerner Park; the City's partnership with Homeward Bound to construct and maintain an emergency shelter (the New Beginnings Center), the Next Key Employment and Training Center, the OMA Village and other City efforts to house the unhoused; as well as the City's plan for a Temporary Camp in the Lee Gerner Park for those "sheltered in place" due to the COVID-19 pandemic.

It is estimated Mr. Mc Gill's testimony will take 50 minutes to 1 hour. Mr. McGill is available to testify in person.

#### 4. Named Plaintiffs

With the Court's permission, the City would like to call the following plaintiffs (as may be warranted) to testify regarding their residency in Lee Gerner Park, the City's offer of shelter to them, and any other matter that may prove pertinent during the hearing:

Jason Sarris;

Lea Deangelo;

Zach Boulware;

Carrie Healon,

Lisa Nicole Johnson, also named as Lisa Johnson;

Donald Hobbs;

Deborah Ann Miromontes, also named as Deborah Ann Miramontes;

Charles Talbot;

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Bethany Allen;  
Michelangelo Montez; and  
Kalani Welsch.

DATED: October 6, 2021

**LAW OFFICE OF ANTHONY D.  
PRINCE**

/s/ Anthony D. Prince  
ANTHONY D. PRINCE  
General Counsel  
California Homeless Union  
Attorney for Plaintiffs

DATED: October 6, 2021

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/s/ Carmen A. Brock  
JEFFREY A. WALTER  
CARMEN A. BROCK  
LILIANE M. WYCKOFF  
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**CERTIFICATE OF SERVICE***Marin County Homeless Union v. City of Novato, et al.*

United States District Court, Northern District

Case No. 4:21-cv-05401-YGR

I, McCall L. Williams, declare:

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 790 East Colorado Boulevard, Suite 850, Pasadena, California 91101. My email address is: MWilliams@chwlaw.us. On October 6, 2021, I served the document(s) described as **JOINT WITNESS LIST FOR OCTOBER 20, 2021 EVIDENTIARY HEARING** on the interested parties in this action as follows:

☒ **BY ELECTRONIC TRANSMISSION:** I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States District Court, Northern District by using the CM/ECF system on October 6, 2021. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the USDC, Northern District CM/ECF system.

I declare that I am employed in the offices of a member of the State Bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed on October 6, 2021, at Pasadena, California.

/s/McCall Williams

McCall L. Williams

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